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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

VALEANT PHARMACEUTICALS NORTH
AMERICA, LLC,

Case No. 17-CV-06731-RS

Plaintiff,

V.

BELCHER PHARMACEUTICALS, LLC, BI-COASTAL PHARMACEUTICAL CORPORATION, BI-COASTAL PHARMA INTERNATIONAL LLC, ECI PHARMACEUTICALS LLC, VIRTUS PHARMACEUTICALS, LLC and VIRTUS PHARMACEUTICALS OPCO II, LLC

**STIPULATION AND [PROPOSED]
ORDER TO SEVER CLAIMS AGAINST:
(1) BI-COASTAL PHARMACEUTICAL
CORPORATION AND BI-COASTAL
PHARMA INTERNATIONAL LLC; AND
(2) ECI PHARMACEUTICALS LLC
FROM THIS ACTION INTO SEPARATE
CASES**

Defendants.

Pursuant to Federal Rule of Civil Procedure Rule 21 and Civil Local Rule 7-12, all Parties to the above-entitled action, by and through their undersigned counsel, hereby stipulate to the following and respectfully request that the Court enter an Order severing into separately captioned actions all claims made by Plaintiff against, respectively: (1) Bi-Coastal Pharmaceutical Corporation and Bi-Coastal Pharma International LLC; and (2) ECI Pharmaceuticals LLC. For clarity, the intent of the Parties' Stipulation and [Proposed] Order is to sever the claims made by Plaintiff, without prejudice, against the three groups of current Defendants into three separately captioned actions as follows:

(1) all claims made by Plaintiff against: (a) Belcher Pharmaceuticals, LLC; (b) Virtus Pharmaceuticals, LLC; and (c) Virtus Pharmaceuticals OPCO II, LLC would remain in this action, Case No. 17-CV-06731-RS;

(2) all claims made by Plaintiff against Bi-Coastal Pharmaceutical Corporation and Bi-Coastal Pharma International LLC would be severed into a new action captioned *Valeant Pharmaceuticals North America LLC v. Bi-Coastal Pharmaceutical Corporation and Bi-Coastal Pharma International LLC*;

(3) all claims made by Plaintiff against ECI Pharmaceuticals LLC would be severed into a new action captioned *Valeant Pharmaceuticals North America LLC v. ECI Pharmaceuticals LLC*.

The Parties respectfully submit that this Stipulation and [Proposed] Order will not result in prejudice at this early stage in the proceedings and will promote fundamental fairness and judicial efficiency. The parties further undertake to make good faith efforts to coordinate discovery and its timing in the three cases, including written discovery and depositions, to the extent reasonably practicable so long as no material prejudice is caused to any Party by such coordination.

NOW THEREFORE, in order to effectuate the Parties' intent as set forth herein, all Parties, by and through their respective counsel, hereby stipulate as follows:

1 (1) All claims made by Plaintiff against, respectively: (a) Bi-Coastal Pharmaceutical
2 Corporation and Bi-Coastal Pharma International LLC; and (b) ECI Pharmaceuticals LLC are
3 hereby SEVERED from this action, Case No. 17-CV-06731-RS into two new cases defined in
4 paragraphs (2) and (3) below;

5 (2) all claims made by Plaintiff against Bi-Coastal Pharmaceutical Corporation and Bi-
6 Coastal Pharma International LLC are severed from Case No. 17-CV-06731-RS and placed into
7 a new action captioned *Valeant Pharmaceuticals North America LLC v. Bi-Coastal*
8 *Pharmaceutical Corporation and Bi-Coastal Pharma International LLC*, which claims shall be
9 set forth in an amended complaint as described in paragraph (5) below;

10 (3) all claims made by Plaintiff against ECI Pharmaceuticals LLC are severed from Case
11 No. 17-CV-06731-RS and placed into a new action captioned *Valeant Pharmaceuticals North*
12 *America LLC v. ECI Pharmaceuticals LLC*, which claims shall be set forth in an amended
13 complaint as described in paragraph (5) below;

14 (4) all claims made by Plaintiff against: (a) Belcher Pharmaceuticals, LLC; (b)
15 Virtus Pharmaceuticals, LLC; and (c) Virtus Pharmaceuticals OPCO II, LLC remain in this Case
16 No. 17-CV-06731-RS, which claims shall be set forth in an amended complaint as described in
17 paragraph (5) below; and

18 (5) In accordance with the above severance of claims:

19 (a) Plaintiff is directed within fourteen (14) days of entry of the Court's Order
20 granting the stipulated severances and receipt of new case numbers for the severed
21 actions to file an amended complaint in each of the three actions described above setting
22 forth allegations applicable to the respective Defendants in that particular case;

23 (b) Each of the Defendants in the three separate actions described above is
24 directed to file a responsive pleading within twenty-one (21) days after Plaintiff files its
25 amended complaint in that action;

26 (c) All current deadlines in the present action shall be extended by twenty-one
27 (21) days, and such extension shall apply in each of the three separate cases described
28 above.

(d) The parties shall make good faith efforts to coordinate discovery and its timing in the three cases described above, including written discovery and depositions, to the extent reasonably practicable so long as no material prejudice is caused to any Party by such coordination.

Dated: January 15, 2018

ROPP & GRAY LLP

By: *s/ Rocky Tsai*
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1 **[PROPOSED] ORDER**

2 PURSUANT TO STIPULATION, IT IS SO ORDERED

3 Dated: 1/16, 2018



4 United States District Judge

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6 **CERTIFICATE OF SERVICE**

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8 The undersigned counsel for Defendants Virtus Pharmaceuticals LLC and Virtus

9 Pharmaceuticals OPCO II, LLC, hereby certifies that on January 15, 2018, a true and correct

10 copy of the foregoing **STIPULATION AND [PROPOSED] ORDER TO SEVER CLAIMS**

11 **AGAINST: (1) BI-COASTAL PHARMACEUTICAL CORPORATION AND BI-**

12 **COASTAL PHARMA INTERNATIONAL LLC; AND (2) ECI PHARMACEUTICALS**

13 **LLC FROM THIS ACTION INTO SEPARATE CASES** was filed with the Court and served

14 electronically by the Court's CM/ECF System to all registered users.

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16 /s/ Don J. Mizerk

17 *Attorney for Defendants Virtus Pharmaceuticals
18 LLC, and Virtus Pharmaceuticals OPCO II, LLC*

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